



Federal Communications Commission
Washington, D.C. 20554

APR 25 1996

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Dear Mr. Gastfreund:

This is in reference to the petition for rule making which you submitted on behalf of Venture Technologies Group, Inc., requesting the reallocation of UHF TV Channel 19 from Johnstown, Pennsylvania, to Jeannette, Pennsylvania, and the modification of Station WTWB-TV's license to specify Jeannette as its community of license.

The staff's initial engineering review of the proposal confirms that Channel 19 can be allotted to Jeannette in compliance with the Commission's minimum distance separation requirements at the transmitter site specified in the petition. However, Jeannette is within the television freeze zone of Pittsburgh, Pennsylvania. Based on this fact alone, we find that the petition cannot be accepted for rule making since it violates the Order freezing changes to the Table of Allotments in the Pittsburgh metropolitan area. See Advanced Television Systems and Their Impact on the Existing Television Broadcast Service ("freeze Order"), 52 FR 28346, July 29, 1987, and Notice of Inquiry, 2 FCC Rcd 2125 (1987). In pertinent part, the freeze Order states:

Accordingly, we will temporarily freeze the TV Table of Allotments in certain areas. No petitions to amend the table will be accepted for those areas. Further, construction permit applications for vacant television allotments in those areas will not be accepted. This freeze, however, will not apply to changes requested by existing services.

In Appleton, New London and Suring, Wisconsin ("Appleton"), 10 FCC Rcd 7712 (1995), the Commission, by delegated authority, found that the exception to the freeze Order for existing stations pertains to construction permit applications such as transmitter relocations, power increases or increases in antenna height, not to rule makings which would change the Table of Allotments.

Even if we were to find that the exception included rule making petitions to change a station's community of license, we find that you have failed to provide a compelling showing that the public interest would be served by reallocating Channel 19 from

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Johnstown to Jeannette. In the petition, you submit that the public interest would be served by granting the change of community since it could provide Jeannette, a community of 11,221 persons, with its first local television service, without depriving Johnstown (population 28,134 persons) of its sole local television service. You also state that the public interest would be served by reducing the number of stations licensed to the "economically depressed" Johnstown-Altoona market and increase service to the "underserved" Pittsburgh market and provide the Pittsburgh market with a full-service station affiliated with the Warner Brothers Network.

Since the petition does not propose to relocate Station WTWB-TV's transmitter beyond that specified in its pending application, the service which it proposes to provide to the Pittsburgh area can be provided without a change in its community of license. Further, no showing is made that there are unique broadcast needs that the residents of Jeannette are not now receiving. Finally, in Appleton, supra, the Commission stated that there is no provision in the Commission's decision adopting the change of community rules to have allegations of economic hardship considered in determining whether the proposed reallocation would result in a preferential arrangement of allotments.

Accordingly, based on the above discussion, we find the petition for rule making submitted on behalf of Venture Technologies Group, Inc., is not acceptable for consideration.

Sincerely,

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

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